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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/667,611	09/22/2000	G. Victor Guyan	07752.0020	1864

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BRINKS HOFER GILSON & LIONE  
P O BOX 10395  
CHICAGO, IL 60610

EXAMINER
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FRENEL, VANEL

ART UNIT	PAPER NUMBER
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3626

DATE MAILED: 06/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/667,611

Applicant(s)

GUYAN ET AL

Examiner

Vanel Frenel

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 0922/00.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-42 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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## **DETAILED ACTION**

### **Notice To Applicant**

1. This communication is in response to the application filed 09/22/00. Claims 1-42 are pending.

#### ***Claim Rejections - 35 USC § 112***

2. Claims 1, 15 and 29 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3. Claims 1, 15 and 29 recite the limitation "providing the client with an item tree of line level data based on the line level and aggregating line item level data collected from the claimant ". There is insufficient antecedent basis for this limitation in the claim. Appropriate correction is needed in the next correspondence.

#### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moore et al (5,930,759) in view of Walker et al (6,119,093).

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(A) As per claim 1, Moore discloses a method for capturing line item data, the method comprising steps performed by a data processing system (Col.3, lines 17-51), of:

receiving claim identification information from a claimant, said claim identification information comprising, at least, one line level (Col.4, lines 43-67 to Col.5, line 51; Col.8, lines 11-43);

storing the line item level data in an insurance host server (Col.6, lines 19-45).

Moore does not explicitly disclose providing the client with an item tree of line item level data based on the line level and aggregating line item level data collected from the claimant.

However, this feature is known in the art, as evidenced by Walker. In Particular, Walker suggests providing the client with an item tree of line item level data based on the line level and aggregating line item level data collected from the claimant (See Walker, Col.1, lines 53-67 to Col.2, line 37).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the feature of Walker within the system of Moore with the motivation of providing a wide area network communications, such as on the Internet, may be advantageously used by an individual to make a pledge of an unused credit line as collateral for an investment (in particular, the purchase of a share of an insurance policy in syndication)(See Walker, Col.2, lines 45-49).

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(B) As per claim 2, Moore discloses the method wherein the step of receiving claim identification information, further includes the step of receiving a claim number from the claimant (Col.8, lines 11-43).

(C) As per claim 3, Walker discloses the method wherein the step of receiving claim identification information, further includes the step of receiving a password from the claimant (Col.6, lines 36-67).

(D) As per claim 4, Walker discloses the method wherein the step of receiving claim identification information, further includes the step of validating the password and claim number (Col.7, lines 24-58).

(E) As per claim 5, Walker discloses the method wherein the step of receiving claim identification information, further includes the step of issuing a fraud warning (The Examiner interprets " If at any time the cardholder cancels his credit ard account with that bank, the bank immediately notifies the insurance agency and the terms of policy investment are canceled immediately as a form of fraud warning" See Walker, Col.5, lines 29-65).

(F) As per claim 6, Moore discloses the method wherein the step of providing and aggregating comprises the step of downloading a spreadsheet to the claimant (Col.13, lines 6-55).

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(G) As per claim 7, Moore discloses the method wherein the step of providing and aggregating comprises the step of aggregating line item level data in the spreadsheet (Col.13, lines 6-65).

(H) As per claim 8, Moore discloses the method wherein the step of providing and aggregating comprises the step of uploading the spreadsheet from the claimant (Col.13, lines 6-65).

(I) As per claim 9, Moore discloses the method wherein the step of providing and aggregating comprises the step of displaying an item tree of line item data based on the line level (Col.9, lines 33-67 to Col.10, line 63).

(J) As per claim 10, Moore discloses the method wherein the step of providing and aggregating comprises the step of tunneling through the item tree (The Examiner interprets data file 20 may contain encoded personal data such as name, address and social security number, physical data such as age, height, and eye color, information about relatives, insurance policy information, and a personal identification number" as a form of data from the item tree See Moore Col.5, lines 41-67; Col.11, lines 23-67).

(K) As per claim 11, Moore discloses the method wherein the step of providing and aggregating comprises the step of receiving a selection of a line item level data from the item tree (The Examiner interprets data file 20 may contain encoded personal data such as name, address and social security number, physical data such as age, height, and

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eye color, information about relatives, insurance policy information, and a personal identification number” as a form of data from the item tree See Moore Col.5, lines 41-67; Col.11, lines 23-67).

(L) As per claim 12, Moore discloses the method wherein the step of providing and aggregating comprises the step of updating a display of line items based on claimant's selected line items (The Examiner interprets “this screen, like screen 9A and 9B, contains a column of words and phrases, each of which represents a specific question or command” as a form of display of line items based on claimant's selected line items (See Moore Col.11, lines 37-67 to Col.12, line 42; Col.13, lines 6-55).

(M) As per claim 13, Moore discloses the method further comprising the step of updating a display of aggregated line item level data from the insurance host server (Col.6, lines 19-67).

(N) As per claim 14, Moore discloses the method further comprising the step of editing a listing of aggregated line item level data from the insurance host server (Col.6, lines 19-67).

(O) As per claim 15, Moore discloses a system for capturing line item data (Col.3, lines 17-51), comprising:

a processor for executing programs (Col.4, lines 43-67 to Col.9, lines 1-61); and

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a memory for storing a program executable by the processor, the stored program including instructions for (i) receiving claim identification information from a claimant (Col.9, lines 1-67), said claim identification information comprising, at least, one line level (Col.4, lines 43-67 to Col.5, line 51; Col.8, lines 11-43), (ii) providing the client with an item tree of line item level data based on the line level (Col.11, lines 8-67) and

(iii) storing the line item level data in an insurance host server (Col.6, lines 19-67).

Moore does not explicitly disclose aggregating line item level data collected from the claimant.

However, this feature is known in the art, as evidenced by Walker. In particular, Walker suggests aggregating line item level data collected from the claimant (See Walker, Col.1, lines 53-67 to Col.2, line 37).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the feature of Walker within the system of Moore with the motivation of providing a wide area network communications, such as on the Internet, may be advantageously used by an individual to make a pledge of an unused credit line as collateral for an investment (in particular, the purchase of a share of an insurance policy in syndication)(See Walker, Col.2, lines 45-49).

(P) Claim 29 differs from claims 1 and 15 by reciting a computer readable medium containing instructions for controlling a computer system to perform a method for capturing line item data, the method comprising:



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As per this limitation Moore discloses receiving claim identification information from a claimant, said claim identification information comprising, at least, one line level (Col.4, lines 43-67 to Col.5, line 51; Col.8, lines 11-43);

providing the client with an item tree of line item level data based on the line level (Col.4, lines 43-67 to Col.5, line 51; Col.8, lines 11-43);

storing the line item level data in an insurance host server (Col. Col.6, lines 19-45) and Moore discloses aggregating line item level data collected from the claimant (See Walker, Col.1, lines 53-67 to Col.2, line 37).

Thus, it is readily apparent that these prior art systems utilize a computer readable medium containing instructions for controlling to perform their specific function.

The remainder of claim 29 is rejected for the same reason given above for claims 1 and 15, and incorporated herein.

*16-42 and 30-42*  
*6-14-03* (Q) Claims ~~16-42~~ recite the underlying process steps of the elements of claims 2-14, respectively. As the various elements of claims 2-14 and have been shown to be either disclosed by or obvious in view of the collective teachings of Moore and Walker, it is apparent that the apparatus disclosed by the applied prior art performs the recited underlying functions. As such, the limitations recited in claims 16-42 are rejected for the same reasons given above for method claims 16-42, and incorporated herein.

### **Conclusion**

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited but not applied art teaches automated claim processing

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and attorney referral and selection (2001/0041993), computerized system and method for work management (5,557,515) and system and method for utilizing a fully-integrated, on-line digital collectible award redemption and instant win program (2001/0034635).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vanel Frenel whose telephone number is 703-305-4952. The examiner can normally be reached on 6:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on 703-305-9643. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

V.F  
V.F  
June 9, 2003

  
DINH X. NGUYEN  
PRIMARY EXAMINER